

OCT 25 2006

7FW  
Docket No.: 58418CIP(48497)  
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Henrik Stender

Application No.: 10/821,805

Confirmation No.: 9064

Filed: April 8, 2004

Art Unit: 1634

For: PEPTIDE NUCLEIC ACID PROBES FOR  
DETECTION, IDENTIFICATION AND/OR  
QUANTITATION OF PSEUDOMONAS  
(SENSU STRICTO)

Examiner: D. B. Johannsen

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed September 25, 2006 (Paper No. 1), applicant hereby provisionally elects claims for continued examination, with traverse.

In response to the restriction requirement set forth in the Office Action mailed September 25, 2006, Applicant hereby provisionally elects claims of Group I, Claims 1-12 and 15-31, for continued examination, with traverse.

First, the subject matter of the groups relates to a single inventive concept for which a single patent should issue. The pending claims represent an intricate web of knowledge, continuity of effort, and consequences, which merit examination of all of these claims in a single application. More particularly, a single, searchable, unifying aspect links all of the claims. This single, searchable, unifying aspect relates to PNA probes and methods of use and incorporation thereof in kits. Second, Applicants

submit that a sufficient search and examination with respect to the subject matter of all claims can be made without serious burden. As the M.P.E.P. states:

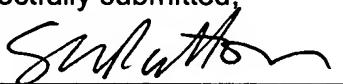
If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. § 803 (8th ed., Rev. No. 2, May 2004).

That is, even if the above-enumerated groups of claims are drawn to distinct inventions, the Examiner must still examine the entire application on the merits because doing so will not result in a serious burden. This is especially true in light of the robust and extensive computerized search engines and databases at the Examiner's disposal. Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that each of claims 1-31 presently pending in this application be examined.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 58418CIP(48497).

Dated: October 23, 2006

Respectfully submitted,

By   
Stephana E. Patton

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Application No. (if known): 10/821,805

Attorney Docket No.: 58418CIP(48497)

## Certificate of Express Mailing Under 37 CFR 1.10

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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	10/821,805-Conf. #9064
Filing Date	April 8, 2004
First Named Inventor	Henrik Stender
Art Unit	1634
Examiner Name	D. B. Johannsen
Attorney Docket Number	58418CIP(48497)

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<b>Certificate Of Express Mail Return Receipt Postcard</b>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	EDWARDS ANGELL PALMER & DODGE LLP		
Signature			
Printed name	Stephana E. Patton		
Date	October 23, 2006	Reg. No.	50,373